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August 23, 2024

VIA ECF

Hon. Jennifer L. Rochon
United States District Judge
Southern District of New York
500 Pearl Street, Room 1920
New York, NY 10007

Re: *FTC v. Tapestry, Inc. et al.*, 1:24-cv-03109-JLR

Dear Judge Rochon:

We are counsel for non-party Ralph Lauren Corporation (“Ralph Lauren”), and we write in support of Defendants’ letter motion (Dkt. No. 155), filed on August 20, 2024, seeking an order sealing Defendants’ Opposition to the FTC’s Memorandum In Support of Preliminary Injunction (“Defendants’ Opposition”), and to also respectfully request that Ralph Lauren’s Confidential Material submitted or cited by any party in connection with the Defendants’ Opposition be sealed and only be reviewed *in camera* if admitted into evidence at any hearing or subsequent proceeding in this matter.

On August 20, 2024, counsel for Defendants contacted us to provide notice that Defendants’ Opposition would include the transcript of Ralph Lauren’s deposition as an exhibit and that Defendants’ would file it under seal. This transcript was also included as an exhibit filed under seal and excerpts from the transcript were redacted in the FTC’s Memorandum In Support of Preliminary Injunction (“FTC PI Motion”) (Dkt. No. 122).

In connection with the FTC’s PI Motion, the FTC sought clarification from the Court regarding whether Paragraph 9 of the Stipulated Protective Order obviates the need for compliance with this Court’s Rule of Individual Practice 4(B)(iii) (Dkt. No. 120). Pending clarification from the Court, Ralph Lauren filed a letter motion to seal Ralph Lauren’s deposition transcript and all references to and quotations from the transcript in the Memorandum of Law in Support of Defendants’ Opposition (Dkt. No. 141). The letter motion has not yet been ruled on.

As such, out of an abundance of caution and pending clarification from the court, Ralph Lauren submit this letter motion to renew its request that the deposition transcript remain sealed, any excerpts remain redacted in the public version of Defendants’ Opposition, and that the transcript and any excerpts only be reviewed *in camera* if admitted into evidence at any hearing or subsequent proceeding in this matter.



As Ralph Lauren explained in its August 9, 2024 letter in support of the FTC's letter motion, which Ralph Lauren hereby incorporates by reference, this request comports with the standards for sealing as set forth by the U.S. Court of Appeals for the Second Circuit and this Court. Ralph Lauren's deposition transcript contains extensive discussion of non-public, trade secret information concerning Ralph Lauren's handbag business, including Ralph Lauren's confidential business strategy, sales and marketing channels, pricing, manufacturing, and distribution strategies, and revenue and sales data.

Public access to the testimony in Ralph Lauren's deposition transcript would provide insight into Ralph Lauren's confidential business processes and information. Ralph Lauren would suffer irreparable harm and serious competitive and commercial injury if its competitors or the public were given access to this competitively sensitive information, as it could be used by rivals and customers to undermine Ralph Lauren's competitive position. As a non-party, Ralph Lauren is entitled to the protection of this confidential information.

The FTC and Defendants do not oppose Ralph Lauren's sealing request.

For the foregoing reasons, Ralph Lauren respectfully requests that Defendants' letter motion be granted in its entirety and an Order be issued placing Ralph Lauren's deposition transcript under seal.

Respectfully submitted,

/s/ Creighton J. Macy

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cc: All counsel of record via ECF